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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,745	09/22/2003	Hiroyuki Matsushima	243019US2	6827

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

DENNISON, JERRY B

ART UNIT	PAPER NUMBER
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2143

NOTIFICATION DATE	DELIVERY MODE
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07/14/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/665,745

Applicant(s)

MATSUSHIMA, HIROYUKI

Examiner

J. Bret Dennison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/29/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-21,27-42,49-63,69-84 and 91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-21,27-42,49-63,69-84 and 91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/10/07, 5/2/08 6/19/08.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Application Number 10/665,745 received on 5/29/2008.
2. Claims 9-21, 27-42, 49-63, 69-84, and 91 are presented for examination.
3. The prosecution for this case has been transferred to another Examiner. All corresponding communications should be directed to Examiner's contact information, provided below.
4. Applicant's arguments, see Response filed 5/29/2008 have been fully considered and are persuasive. The previous final rejection has been withdrawn. However a new final rejection is presented herein. The finality of this rejection is proper under MPEP 706.01 (a) since the new ground of rejection is necessitated by Applicant's amendment, filed 8/14/2007.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

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directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 9-11, 17-19, 27-29, 32-34, 49-51, 55-57, 69-71, 74, 76 are rejected under 35 U.S.C. 102(e) as being anticipated by Flanagan et al. (US 7,149,813).

6. Regarding claims 9-11, 17-19, 27-29, 32-34, 49-51, 55-57, 69-71, 74, 76 Flanagan disclosed a system and method for synchronizing devices in which a protocol is used which avoids the latencies of multiple acknowledgements by grouping requests and responses to previous requests together in one message (Flanagan, col. 1, line 65 through col. 2, line 5). Flanagan disclosed that either device/apparatus may begin the synchronization (Flanagan, col. 2, lines 7-10). Flanagan disclosed that the protocol allows responses to updates to be grouped together and sent with grouped requests to update objects, thereby allowing one message to both report errors and send, request, and respond to updates, with an overall outcome of reducing latency and bandwidth required (Flanagan, col. 2, lines 14-20). Flanagan disclosed an exemplary protocol to include XML which allows multiple commands and responses to be grouped together in one message (Flanagan, col. 3, lines 39-45, 50-55). Flanagan disclosed many tags that may be nested within the XML message, including commands, responses, and status (Flanagan, col. 5, lines 30-40). Flanagan explicitly disclosed the status tag pair, which may be used to enclose data relating to the success or failure of a requested operation

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(Flanagin, col. 11, lines 53-60) as well as provides examples of different status (Flanagin, col. 12, lines 5-28). Flanagin also disclosed both devices in communication including storage (Flanagin, col. 13, lines 20-35, storage of computing device; col. 14, lines 25-40, storage at mobile device), and a synchronization application residing on the mobile device being programmed to interact with a corresponding synchronization application resident on the host computer to keep the information stored in the storage synchronized with corresponding information stored at the host computer (Flanagin, col. 14, lines 40-46). Therefore, both devices have the means for generating, transmitting, receiving, and storing requests (including operations/commands) and responses, either separately or in batches, as well as executing the operations/commands/function calls and producing a status.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12, 14-16, 20, 30, 36, 38-40, 53, 58, 60-62, 72, 75, 78 and 80-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagin (US 7,149,813) in view of Svensson et al. (US 2003/0125063).

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8. Regarding claims 12, 20, 30, 36, 53, 58, 72, 75, 78, Flanagan disclosed the limitations as described in claims 11, 19, 29, 34, 51, 57, 71, 74, 76. Flanagan also disclosed using XML over HTTP to send the commands and responses (Flanagan, col. 15, lines 10-15, 30-40, 45-60).

FOLDDOC defines the SOAP protocol to be a minimal set of conventions for invoking code using XML over HTTP.

While Flanagan disclosed using XML over HTTP to send the commands and responses, Flanagan did not explicitly state using SOAP as the protocol.

Since Flanagan disclosed using XML over HTTP, it would have been obvious to one of ordinary skill in the art to use the SOAP protocol as such is a well known protocol for communication with mobile devices.

In an analogous art, Svensson disclosed peer-to-peer communications within a mobile network which includes synchronizing a mobile client with a host computer using the SOAP protocol (Svensson, [0030]-[0031]).

One of ordinary skill would have been motivated to combine the teachings of Flanagan and Svensson since both teachings relate to synchronizing mobile devices with a host computer and are therefore clearly within the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate using the SOAP protocol within the teachings of Flanagan in order to implement a system that can be used across a well known standard protocol thereby expanding its customer base and increasing desirability to use the system.

9. Regarding claims 14-16, 38-40, 60-62, and 80-82, Flanagan disclosed a system and method for synchronizing devices in which a protocol is used which avoids the latencies of multiple acknowledgements by grouping requests and responses to previous requests together in one message (Flanagan, col. 1, line 65 through col. 2, line 5). Flanagan disclosed that either device/apparatus may begin the synchronization (Flanagan, col. 2, lines 7-10). Flanagan disclosed that the protocol allows responses to updates to be grouped together and sent with grouped requests to update objects, thereby allowing one message to both report errors and send, request, and respond to updates, with an overall outcome of reducing latency and bandwidth required (Flanagan, col. 2, lines 14-20). Flanagan disclosed an exemplary protocol to include XML which allows multiple commands and responses to be grouped together in one message (Flanagan, col. 3, lines 39-45, 50-55). Flanagan disclosed many tags that may be nested within the XML message, including commands, responses, and status (Flanagan, col. 5, lines 30-40). Flanagan explicitly disclosed the status tag pair, which may be used to enclose data relating to the success or failure of a requested operation (Flanagan, col. 11, lines 53-60) as well as provides examples of different status (Flanagan, col. 12, lines 5-28). Flanagan also disclosed both devices in communication including storage (Flanagan, col. 13, lines 20-35, storage of computing device; col. 14, lines 25-40, storage at mobile device), and a synchronization application residing on the mobile device being programmed to interact with a corresponding synchronization application resident on the host computer to keep the information stored in the storage

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synchronized with corresponding information stored at the host computer (Flanagin, col. 14, lines 40-46). Therefore, both devices have the means for generating, transmitting, receiving, and storing requests (including operations/commands) and responses, either separately or in batches, as well as executing the operations/commands/function calls and producing a status. Flanagin also disclosed using XML over HTTP to send the commands and responses (Flanagin, col. 15, lines 10-15, 30-40, 45-60).

FOLDOC defines the SOAP protocol to be a minimal set of conventions for invoking code using XML over HTTP.

While Flanagin disclosed using XML over HTTP to send the commands and responses, Flanagin did not explicitly state using SOAP as the protocol.

Since Flanagin disclosed using XML over HTTP, it would have been obvious to one of ordinary skill in the art to use the SOAP protocol as such is a well known protocol for communication with mobile devices.

In an analogous art, Svensson disclosed peer-to-peer communications within a mobile network which includes synchronizing a mobile client with a host computer using the SOAP protocol (Svensson, [0030]-[0031]).

One of ordinary skill would have been motivated to combine the teachings of Flanagin and Svensson since both teachings relate to synchronizing mobile devices with a host computer and are therefore clearly within the same environment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate using the SOAP protocol within the teachings of Flanagin in order to implement a system that can be used across a well

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known standard protocol thereby expanding its customer base and increasing desirability to use the system.

10. Claims 35, 52, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagin in view of Narin (US 2002/0091755).

11. Regarding claims 35, 52, and 77, Flanagin disclosed the limitations as described in claims 34, 51, 76.

Flanagin did not explicitly state periodically transmitting the communication request to the communication server.

In an analogous art, Narin disclosed generating service requests in which a request is periodically transmitted to the server in order to be up to date with current information (Narin, [0047]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the periodic sending of requests to the server in order to obtain the predictable result of maintaining synchronous data between devices in order to remain consistent between the devices.

12. Claims 13, 21, 31, 37, 54, 59, 73, 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagin in view of Mukundan et al. (US 2007/0016639).

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13. Regarding claims 13, 21, 31, 37, 54, 59, 73, 79, Flanagan disclosed the limitations as described in claims 11, 19, 29, 34, 51, 57, 71, 76.

Flanagan did not explicitly state assigning priority information to the requests and generating responses according to the priority information.

In an analogous art, Mukundan disclosed a way of managing requests in a client server environment in which responses are performed based on priorities of the requests (Mukundan, [0530]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate assigning priorities to requests and processing these requests based on priority information into the teachings of Flanagan in order to better inform the client as to the status of processing the request ([0531]).

14. Claims 41 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan and Svensson and further in view of Narin (US 2002/0091755).

15. Regarding claims 41 and 83, Flanagan disclosed the limitations as described in claims 40 and 82.

Flanagan did not explicitly state periodically transmitting the communication request to the communication server.

In an analogous art, Narin disclosed generating service requests in which a request is periodically transmitted to the server in order to be up to date with current information (Narin, [0047]).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the periodic sending of requests to the server in order to obtain the predictable result of maintaining synchronous data between devices in order to remain consistent between the devices.

16. Claims 42, 63, 84, 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagin and Svensson and further in view of Mukundan et al. (US 2007/0016639).

17. Regarding claims 42, 63, 84, 91, Flanagin and Svensson disclosed the limitations as described in claims 16, 40, 62, 82.

Flanagin and Svensson did not explicitly state assigning priority information to the requests and generating responses according to the priority information.

In an analogous art, Mukundan disclosed a way of managing requests in a client server environment in which responses are performed based on priorities of the requests (Mukundan, [0530]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate assigning priorities to requests and processing these requests based on priority information into the combination of Flanagin and Svensson in order to better inform the client as to the status of processing the request ([0531]).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J. B. D./
Examiner, Art Unit 2143

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2143